FEDERAL COMMUNICATIONS COMMISSION Washington, D. C. 20554 DOCKET FILE COPY ORIGINAL MAR 1 9 1999

OFFICE OF MANAGING DIRECTOR

> Julie A. Barrie, Esquire Koteen & Naftalin, L.L.P. 1150 Connecticut Avenue Washington, D.C. 20036-4104

> > Re: Request for Return of Regulatory Fees Fee Control No. 9609308835203003

Fee Control No. 9609238835001005

Dear Ms. Barrie:

This is in response to your inquiry regarding the 1996 regulatory fee paid by Good News Radio Broadcasting, Inc. ("Good News") for Good News and Good Music, Inc. Good News is the licensee of KVOI(AM), Ora Valley, Arizona and KGMS(FM), Green Valley, Arizona.

You maintain that the fees were paid in error and that since Good News Radio Broadcasting, Inc. is a not-for-profit corporation under 501(c)(3) of the Internal Revenue Code, it is exempt from paying regulatory fees. In support of your request you have submitted a 501(c)(3) determination letter from the Internal Revenue Service.

The documentation established that Good News is a not-for-profit 501(c)(3) corporation and is exempt from the regulatory fee requirements. 47 CFR 1.1162(c). Your request is granted and the regulatory fee previously submitted will be refunded.

A check made payable to the maker of the orginal check, drawn in the amount of \$1,245 will be sent to you at the earliest practicable time. If you have any questions concerning the refund, please call the Chief, Fee Section at (202) 418-1995.

> Sincerely yours, Mark Rear

Mark Reger

Chief Financial Officer

9609308835203003 * 9609238835001005

LAW OFFICES

KOTEEN & NAFTALIN, L.L.P.

1150 CONNECTICUT AVENUE WASHINGTON, D.C. 20036-4104 TELEPHONE (202) 467-5700

TELECOPY

(202) 467-5915

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BERNARD KOTEEN*
ALAN Y. NAFTALIN
ARTHUR B. GOODKIND
GEORGE Y. WHEELER
MARGOT SMILEY HUMPHREY
PETER M. CONNOLLY
CHARLES R. NAFTALIN
GREGORY C. STAPLE
R. EDWARD PRICE
JULIE A. BARRIE

· SENIOR COUNSEL

September 18, 1998

Claudette Pride, Chief
Fee Section
Billings & Collections
Federal Communications Commission
1919 M Street, N.W.
Room 452
Washington, DC 20554

Dear Ms. Pride:

On behalf of Good News Radio Broadcasting, Inc., licensee of KVOI(AM), Ora Valley, Arizona and KGMS(FM), Green Valley, Arizona, we request the return of erroneously paid regulatory fees from 1996. As you will note from the attached correspondence from the IRS, Good News Radio Broadcasting, Inc. (which held the former Good Music, Inc.) is a qualified 501(c)(3) not-for-profit corporation. As such, the FCC does not require that it pay regulatory fees. Due to an oversight, in 1996 Good Music, Inc. paid \$865 and Good News Radio Broadcasting, Inc. paid \$380 (totaling \$1245) in regulatory fees. We have enclosed a copy of the two Forms 159 showing these payments.

We request that you reimburse the entire \$1245, payable to Good News Radio Broadcasting, Inc. and send it care of Julie Barrie at the above address. Please contact the undersigned with any questions regarding this request.

Very truly yours,

Alle of Rouse

Julie A. Barrie

Enclosures

Sep 18 5 25 FM '53

BECEIVED

See public burden estimate on reverse.

FCC FORM 159 April 1994 INTERNAL REVENUE SERVICE DISTRICT DIRECTOR P. O. BOX 2508 CINCINNATI, OH 45201

Date:

MAR 16 1998

GOOD NEWS RADIO BROADCASTING INC C/O DOUGLAS E MARTIN 3222 S RICHEY AVE TUCSON, AZ 85713-5453 Employer Identification Number: 86-0734774

DLN:

17053052733048

Contact Person:
 D. A. DOWNING

Contact Telephone Number:
 (513) 241-5199

Our Letter Dated: June 1995 Addendum Applies:

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours

C. Callin X

District Director

Letter 1050 (DO/CG)

Internal Revenue Service

Department of the Treasury

Washington, DC 20224

Person to Contact: Charles Gillette

Good News Radio Broadcasting, Inc. Telephone Number: (202) 622-7787

3222 S. Richey Ave.

Tucson, AZ 85713

Refer Reply to:

CP: E: EO: T: 5

JUN 2 2 1995 Date:

Employer Identification Number: 86-0734774

Key District: Dallas

Accounting Period Ending: December 31 Foundation Status Classification: 509(a)(2)

Advance Ruling Period Begins: March 16, 1993 Advance Ruling Period Ends: December 31, 1997

Form 990 Required: Yes

Dear Applicant:

Based on the information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably be expected to be a publicly supported organization described in the section(s) indicated above.

Accordingly, you will be treated as a publicly supported organization, and not as a private foundation, during an advance ruling period. This advance ruling period begins and ends on the dates indicated above.

Within 90 days after the end of your advance ruling period, you must submit to your key district office information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, you will be classified as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, you will be classified as a private foundation for future periods. Also, if you are classified as a private foundation, you will be treated as a private foundation from the date of your inception for purposes of sections 507(d) and 4940.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of Code sections 2055, 2106, and 2522.

Donors (including private foundations) may rely on the advance ruling that you are not a private foundation until 90 days after your advance ruling period ends. If you submit the required information within the 90 days, donors may continue to rely on the advance ruling until we make a final determination of your foundation status. However, if notice that you will no longer be treated as the type of organization indicated above is published in the Internal Revenue Bulletin, donors may not rely on this advance ruling after the date of such publication. donors (other than private foundations) may not rely on the classification indicated above if they were in part responsible for, or were aware of, the act that resulted in your loss of that classification, or if they acquired knowledge that the Internal Revenue Service had given notice that you would be removed from that classification. Private foundations may rely on the classification as long as you were not directly or indirectly controlled by them or by disqualified persons with respect to them. However, private foundations may not rely on the classification indicated above if they acquired knowledge that the Internal Revenue Service had given notice that you would be removed from that classification.

If your sources of support, or your purposes, character, or method of operation change, please let your key district know so that office can consider the effect of the change on your exempt status. In the case of an amendment to your organizational document or bylaws, please send a copy of the amended document or bylaws to your key district. Also, you should inform your key district office of all changes in your name or address.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act.

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, if it is determined that you are a private foundation, you will be subject to excise taxes under Chapter 42. You also may be subject to other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please contact your key district office.

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Good News Radio Broadcasting, Inc.

Contribution deductions are allowable to donors only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fund-raising events may not necessarily qualify as fully deductible contributions, depending on the circumstances. your organization conducts fund-raising events such as benefit dinners, shows, membership drives, etc., where something of value is received in return for payments, you are required to provide a written disclosure statement informing the donor of the fair market value of the specific items or services being provided. To do this you should, in advance of the event, determine the fair market value of the benefit received and state it in your fund-raising materials such as solicitations, tickets, and receipts in such a way that the donor can determine how much is deductible and how much is not. Your disclosure statement should be made, at the latest, at the time payment is received. to certain exceptions, your disclosure responsibility applies to any fund-raising circumstance where each complete payment, including the contribution portion, exceeds \$75. In addition, donors must have written substantiation from the charity for any charitable contribution of \$250 or more. For further details regarding these substantiation and disclosure requirements, see the enclosed copy of Publication 1771. For additional guidance in this area, see Publication 1391, Deductibility of Payments Made to Organizations Conducting Fund-Raising Events, which is available at many IRS offices or by calling 1-800-TAX-FORM (1-800-829-3676).

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt from Income Tax. If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. If your gross receipts each year are not normally more than \$25,000, we ask that you establish that you are not required to file Form 990 by completing Part I of that Form for your first year. Thereafter, you will not be required to file a return until your gross receipts exceed the \$25,000 minimum. For guidance in determining if your gross receipts are "normally" not more than the \$25,000 limit, see the instructions for the Form If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$10 a day is charged when a return is filed late, unless there is reasonable cause for the delay. The maximum penalty charged cannot exceed \$5,000 or 5 percent of your gross receipts for the year, whichever is less. This penalty may also be charged if a return is not complete, so please be sure your return is complete before you file it.

You are required to make your annual return available for public inspection for three years after the return is due. You

are also required to make available a copy of your exemption application, any supporting documents, and this exemption letter. Failure to make these documents available for public inspection may subject you to a penalty of \$10 per day for each day there is a failure to comply (up to a maximum of \$5,000 in the case of an annual return). See Internal Revenue Service Notice 88-120, 1988-2 C.B. 454, for additional information.

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

In this letter, we have not determined the effect on your tax-exempt status of financing your activities with the proceeds of tax-exempt bonds since you have not indicated that you intend to use such methods now or in the future.

You need an employer identification number even if you have no employees. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

We are informing your key district office of this ruling. Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any immediate questions about this ruling, please contact the person whose name and telephone number are shown in the heading of this letter. For other matters, including questions concerning reporting requirements, please contact your key district office.

Sincerely,

Garland A. Carter

Chief, Exempt Organizations

Technical Branch 5

Calal A Carta

Enclosures: Form 872-C Pub. 1771 Form 872-C

Department of the Treasury Internal Revenue Service

(Revised 9-90)

Consent Fixing Period of Limitation Upon
Assessment of Tax Under Section 4940 of the
Internal Revenue Code

(See instructions on reverse side.)

QMB Ng. 1545-0056

To be used with Form 1023. Submit in dualicate.

Under section 6501(c)(4) of the Internal Revenue Code, and as part of a request filed with Form 1023 that the organization named below be treated as a publicly supported organization under section 170(b)(1)(A)(vi) or section 509(a)(2) during an advance ruling period,

Good News Radio Broadcasting, Inc.)	
C/O Douglas E. Marce of organization as snewn in organizing document) 3222 S. Richey Averiue Tucson, AZ 85713 (Number, street, city or town, state, and ZIP code)	and the	District Director of Internal Revenue, or Assistant Commissioner (Employee Plans and Exempt Organizations)

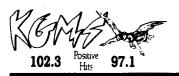
Consent and agree that the period for assessing tax (imposed under section 4940 of the Code) for any of the 5 tax years in the advance ruling period will extend 8 years, 4 months, and 15 days beyond the end of the first tax year.

However, if a notice of deficiency in tax for any of these years is sent to the organization before the period expires, the time for making an assessment will be further extended by the number of days the assessment is prohibited, plus 60 days.

Ending date of first tax year December 31, 1993

(Month, day, and year)

Name of organization (as shown in organizing document)	Date
Good News Radio Broadcasting, Inc.	3-15-17
Officer or trustee having authority to sign	
Signature >	
For IRS use only Douglas E. Martin, President	
Dietriet Director or Assistant Commissioner (Employee Plans and Exempt Organizations)	Date / /
JAMES J. MCGOVERN	Date 6/7/95
9,0,00C+	





LOYAL LISTENERS & GREAT IDEAS GET YOU RESULTS

February 23, 1998

RECEIVED

FLB 2 5 1998

Federal Communications Commission
Washington, D.C. 20554

Re: Request for Non-Profit Exemption Status

Ladies and Gentlemen:

Enclosed is a copy of our determination letter from the IRS. Good News Radio Broadcasting (GNRB) is the sole owner and stock holder of KVOI AM and KGMS FM. We operate under a board of directors, of which Douglas E. Martin is President and General Manager.

Based on this information, we formally request exemption status from regulatory fees for KVOI and KGMS. In addition, we request this exemption status be made retroactive to June 1996 when the actual transfer of ownership occurred. Please let us know if we are entitled to a refund of regulatory fees paid in 1996 and 1997.

If you have any questions, please call me at (520) 790-2440, ext. 122.

With Warmest Regards,

Douglas E. Martin

President/General Manager

sl

Internal Revenue Service

Department of the Treasury

Washington, DC 20224

FFB 2.5 1998

Person to Contact: Charles Gillette

Good News Radio Broadcasting Films. c/o Douglas E. Martin

3222 S. Richey Ave. Tucson, AZ 857.13

Telephone Number: (202) 622-7787

Refer Reply to:

CP:E:EO:T:5

JUN 2 2 1995 Date:

Employer Identification Number:

Key District: Dallas

Accounting Period Ending: December 31

86-0734774

Foundation Status Classification: 509(a)(2) Advance Ruling Period Begins: March 16, 1993

Advance Ruling Period Ends: December 31, 1997 Form 990 Required: Yes

Dear Applicant:

Based on the information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably be expected to be a publicly supported organization described in the section(s) indicated above.

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Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of Code sections 2055, 2106, and 2522.

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As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act.

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are also required to make available a copy of your exemption application, any supporting documents, and this exemption letter. Failure to make these documents available for public inspection may subject you to a penalty of \$10 per day for each day there is a failure to comply (up to a maximum of \$5,000 in the case of an annual return). See Internal Revenue Service Notice 88-120, 1988-2 C.B. 454, for additional information.

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In this letter, we have not determined the effect on your tax-exempt status of financing your activities with the proceeds of tax-exempt bonds since you have not indicated that you intend to use such methods now or in the future.

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If you have any immediate questions about this ruling, please contact the person whose name and telephone number are shown in the heading of this letter. For other matters, including questions concerning reporting requirements, please contact your key district office.

Sincerely,

Garland A. Carter

Chief, Exempt Organizations

Technical Branch 5

Calal A Carta

Enclosures: Form 872-C Pub. 1771

Form 872-C

(Revised 9-90)

Department of the Treasury Internal Revenue Service

Consent Fixing Period of Limitation Upon Assessment of Tax Under Section 4940 of the Internal Revenue Code

(See instructions on reverse side.)

OMB NO 1242-0028

To be used with Form 1023. Submit in duplicate.

Under section 6501(c)(4) of the Internal Revenue Code, and as part of a request filed with Form 1023 that the organization named below be treated as a publicly supported organization under section 170(b)(1)(A)(vi) or section 509(a)(2) during an advance ruling period,

Cood News Radio Broadcasting, Inc. c/o Douglas E. Martin		District Director of
3222 S. Richey Avenue	and the	Internal Revenue, or Assistant Commissioner
Tucson, AZ 85713 (Number, street, city or town, state, and ZIP code)		(Employee Plans and Exempt Organizations)
Consent and agree that the period for assessing tax (imposed under section 494 in the advance ruling period will extend 8 years, 4 months, and 15 days beyond t	O of the Cod the end of th	e) for any of the 5 tax years e first tax year.
However, if a notice of deficiency in tax for any of these years is sent to the organ time for making an assessment will be further extended by the number of days to days.	nization befo he assessme	ore the period expires, the ent is prohibited, plus 60
Ending date of first tax year December 31, 1993 (Month, day, and year)		
Name of organization (as shown in organizing document)	Dat	Re / / / / /
Good News Radio Broadcasting, Inc.	3	-15 7
Officer or trustee having authority to sign		
For IRS use only Douglas E. Martin, President		
ror insuse only		
District Director or Assistant Commissioner (Employee Plans and Exempt Organizations) JAMES J, Mc GOVERN	Dat	6/7/95
Low Douband a Contain		

For Paperwork Reduction Act Notice, see page 1 of the Form 1023 instructions.

Payment Transactions Detail Report

BY: FEE CONTROL NUMBER

Date: 11/5/98

Fee Control Payor Account Number Received Date

9609308835203003 GOOD MUSIC INC FCC2003122 09/20/96

KGMS RADIO

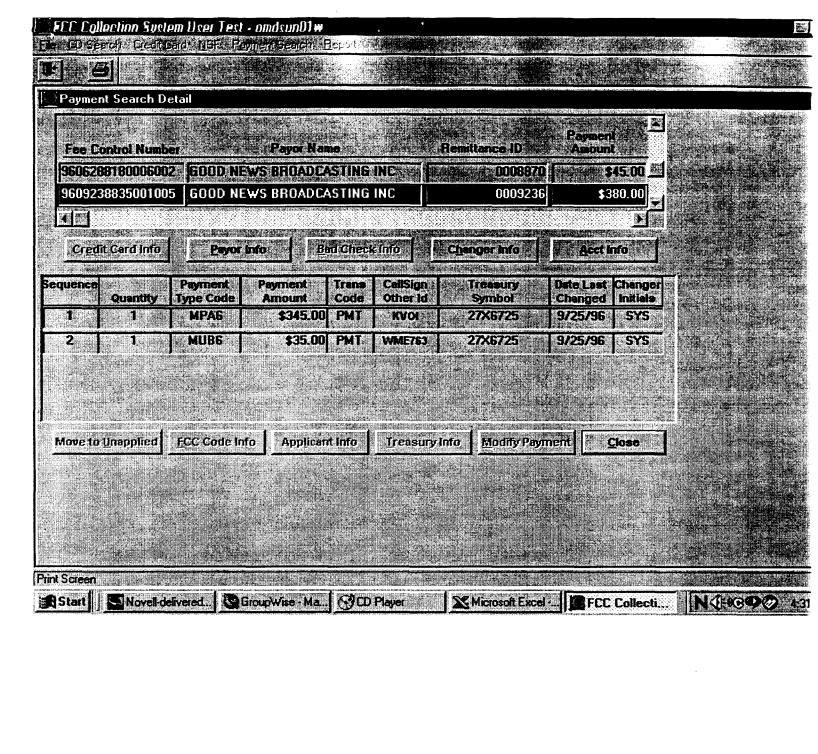
3222 S RICHEY AVENUE

TUCSON

ΑZ

85713

PaymentAmount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Type
\$865.00	\$865.00	1	MMF6	1	KGMS	GOOD MUSIC INC	85713		\$830.0	0 1	PMT
\$865.00	\$865.00	2	MUB6	1	WLP492	GOOD MUSIC INC	85713		\$35.0	0 1	PMT
Total 2									\$865.0	ō	



Payment Transactions Detail Report

BY: FEE CONTROL NUMBER

Date: 3/23/99

Fee Control Payor Fcc Account Payer Received
Number Name Number TIN Date

9609238835001005 GOOD NEWS BROADCASTING INC FCC2003120 09/19/96

KVOI RADIO

3222 S RICHEY AVENUE

TUCSON AZ 85713

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check		Trans Code	Payment Type
\$380.0	\$380.00	1	MPA6	1	KVOI	GOOD NEWS BROADCASTING INC	85713		\$345.00	1	PMT
\$380.0	\$380.00	2	MUB6	1	WME763	GOOD NEWS BROADCASTING INC	85713		\$35.00	1	PMT
Total :	2								\$380.00		

Payment Transactions Detail Report

BY: FEE CONTROL NUMBER

Date: 3/23/99

•	Fee Control Number			Pa; Na	yor me		Fcc Account Number	Payer TIN	Received Date				
9609	9308835203003	GOOD MUSIC INC KGMS RADIO 3222 S RICHEY AVENUE					FCC2003122		09/20/96				
			TUCSO	ON	AZ	85713							
	Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name		Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
	\$865.00	\$865.00	1	MMF6	1	KGMS	GOOD MUSIC INC		85713		\$830.00	1	PMT
	\$865.00	\$865.00	2	MUB6	1	WLP492	GOOD MUSIC INC		85713		\$35.00	1	PMT
Total	2										\$865.00	- !	